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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,969	04/03/2001	Yoshinori Tanabe	1506.1006 (JDH)	9676
21171	7590	12/20/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			BASHORE, WILLIAM L	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/823,969

### Applicant(s)

TANABE, YOSHINORI

### Examiner

William L. Bashore

### Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to communications: RCE/amendment filed 10/7/2005, to the original application filed 4/30/2001, with priority filing date of 9/21/2000.
2. The rejection of claim 8 under 35 U.S.C. 101 has been withdrawn as necessitated by amendment.
3. Please note that two rejections under 35 U.S.C. 102 have been applied to independent claim 8.
4. Claims 1-2, 6-8 pending. Claims 1, 2, 6-8 are independent.

### ***Continued Examination Under 37 CFR 1.114***

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/1/2005 and 10/7/2005, has been entered.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (hereinafter Davis), U.S. Patent No. 5,937,160 filed 5/1/1997, issued 8/10/1999.**

**In regard to independent claim 8**, Davis discloses an invention which creates/updates, and extends HTML documents via replacement of proprietary extended tags with data (Davis Abstract, column 5 lines 25-33).

Davis discloses the addition of an additional HTML (start and end) tag pair (controlling text bold parameter <B> - a character style) wrapped around a proprietary <RPM> type tag, said tag pair bolding the text replacing said RPM type tag (i.e. <B><RPMTD><B>) (Davis column 15 lines 20-29). Davis discloses reading an HTML document containing a proprietary <RPM> type tag, said HTML document updated via the replacement of proprietary (i.e. extended) tags <RPM> (said tag type defining various processing, i.e. <RPMTD>, etc.) with text data accordingly (Davis column 5 lines 1-7, column 10 lines 30-41, 64-66, column 11 lines 1-12, column 14 lines 65-67 to column 15 lines 1-44). Since a goal of Davis is to replace <RPM> tags, said <RPM> type tags present in a final document would be deemed “undesirable”, therefore said tags are deleted and replaced with data accordingly. An <RPM> that is deleted is considered “ignored” in the final document.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claim 8 rejected under 35 U.S.C. 102(e) as being anticipated by Ono et al. (hereinafter Ono), U.S. Patent No. 6,964,013 filed 5/30/2000, issued 11/8/2005.**

**In regard to independent claim 8**, Ono discloses a document editing system intended for HTML (Ono Abstract, column 8 lines 5-30).

Ono discloses deletion of a tag pair (Ono column 1 lines 64-67), in order to keep track of areas of document overlap, or nesting. These extra tag pairs are deemed undesirable, therefore they are edited and deleted (prevented from appearing) from the extended document (and are instead managed via a management table). It is noted that Ono discloses extending attributes to said document (Ono column 2 lines 10-12).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 1, 2, 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (hereinafter Davis), U.S. Patent No. 5,937,160 filed 5/1/1997, issued 8/10/1999, in view of Ono et al. (hereinafter Ono), U.S. Patent No. 6,964,013 filed 5/30/2000, issued 11/8/2005.**

**In regard to independent claim 1**, Davis teaches an invention which creates/updates HTML documents via replacement of proprietary extended tags with data, said invention embodied on a medium (Davis Abstract, column 5 lines 25-33).

Davis teaches reading an HTML document containing a proprietary <RPM> type tag, said HTML document updated via the replacement of proprietary (i.e. extended) tags <RPM> (said tag type defining various processing, i.e. <RPMTD>, etc., with said tags themselves not intended to be viewed in a browser) with text

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data accordingly (Davis column 5 lines 1-7, column 10 lines 30-41, 64-66, column 11 lines 1-12, column 14 lines 65-67 to column 15 lines 1-44)

Davis teaches the addition of an additional HTML (start and end) tag pair (controlling text bold parameter <B> - a character style) wrapped around an RPM type tag, said tag pair bolding the text replacing said RPM type tag (i.e. <B><RPMTD><B>) (Davis column 15 lines 20-29). It is noted that any type of text can lie between said <B> pair, including pairs of lower element tags, etc (hierarchically based tags).

Davis does not specifically teach “deleting” said <B> tag pair enclosing the above <RPMTD> tag. However, Ono teaches tag management means (i.e. managing document areas) for managing the deletion of an HTML tag pair (along with enclosed data) (i.e. a start and end tag) (Ono column 1 lines 63-67, column 7 lines 13-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Ono’s deletion management to Davis’s tag pairs, providing Davis the benefit of flexible document editing via management of nesting or overlapping of <RPMTD> tag data via deletion (see Ono column 2 lines 5-12).

Davis teaches storage/presentation of a final HTML web page to a client via browser subsequent to updating (Davis Abstract, at bottom, also column 16 lines 61-67).

**In regard to independent claim 2**, claim 2 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Davis does not specifically teach an RPM type tag as an extended tag “pair”. However, since it is well known in the hypertext related arts that tags are generally defined in pairs, and that Davis teaches that a tag can be defined as “any unique set of keyboard symbols used to designate the location and control the placement of incoming page revisions and also to cause specific tasks to be executed.” (Davis column 15 lines 27-33), it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret an RPM tag as a tag pair, providing Davis the benefit of nesting tag pairs around other data accordingly (compare with claim 2 “...and said arbitrary text is enclosed by a predetermined identification extended tag pair”).

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**In regard to independent claim 6**, claim 6 reflects the methods comprising computer readable instructions used for implementing the medium based program as claimed in claim 1, and is rejected along the same rationale.

**In regard to independent claim 7**, claim 7 reflects the apparatus comprising computer readable instructions used for implementing the medium based program as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Davis discloses a computer (Davis Figure 1 items 10, 20).

#### ***Response to Arguments***

12. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

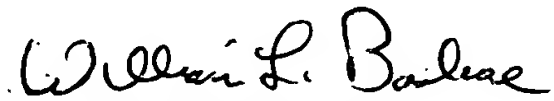
#### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**

December 18/2005